

Message Text

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C O N F I D E N T I A L SAN JOSE 1546

E.O.11652: GDS
TAGS: PGOV, CS
SUBJECT: VESCO CASE: SCENARIOS

REF: SAN JOSE 1523

1. THE APPARENT LOSS OF COSTA RICAN NATIONALITY BY LOCAL ARCHITECT RECHNITZER (WHO BROUGHT AN IOS SECURITIES FRAUD CASE AGAINST VESCO IN COSTA RICA) LIKELY WILL HAVE A DIRECT BEARING ON VESCO'S STATUS HERE. AS EXPLAINED REFTTEL (PARA 3), IF THE LOCAL PLAINTIFF IN THE CRIMINAL FRAUD CASE IS FOUND NOT TO BE A COSTA RICAN CITIZEN, IT IS BELIEVED BY LAWYERS HERE THAT THE ONGOING CASE AGAINST VESCO MUST BE DISMISSED. THERE WOULD THEN EXIST NO ONGOING JUDICIAL PROCESS BLOCKING AN EXPULSION OR AN EXTRA-DITION ATTEMPT, BUT ALSO THERE WOULD BE NO LOCAL CASE NEGATIVELY AFFECTING VESCO'S APPLICATION FOR CITIZENSHIP.

2. POSSIBLE SCENARIOS WE SEE DEVELOPING ARE OUTLINED BELOW. BECAUSE OF THE INTRICACIES OF THE LOCAL LEGAL SYSTEM AND SHIFTING POLITICAL SANDS, THESE SCENARIOS NEED TO BE CONSIDERED AS ONLY BEST ESTIMATES ONE MONTH PRIOR TO THE CHANGE OF GOVERNMENT.

3. SCENARIO I. THE LOCAL FRAUD CASE IS THROWN OUT AND
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VESCO'S APPLICATION FOR CITIZENSHIP MOVES FORWARD, POSSIBLY TO A FINAL DECISION AT THE CIVIL REGISTRY LEVEL BEFORE MAY 8. LOCAL LAWYERS DOUBT THAT EVEN IF THIS PROVES POSSIBLE, EVERYTHING COULD FALL INTO PLACE QUICKLY ENOUGH FOR TSE ACTION ON APPEAL BY THAT DATE.

4. SCENARIO II. VESCO INTENDS TO LEAVE AND NOW CAN

DO SO LEGALLY, UNENCUMBERED BY THE RECHNITZER CASE, SO BECOM-
ING ABLE TO PROTECT HIS REMAINING PROPERTY AND/OR THE CHANCE
THAT HE CAN SOME DAY RETURN TO COSTA RICA.

5. SCENARIO III. THE PRESIDENT-ELECT FINDS AFTER
DISMISSAL OF RECHNITZER CASE THAT HE IS FREE OF ANY
JURIDICAL IMPEDIMENT TO EXPELLING VESCO.
THE USG'S CHANCES FOR SUCCESSFUL EXTRADITION ARE ENHANCED.
IN THIS SCENARIO, VESCO'S LAWYERS, IN ATTEMPTING TO HAVE
THE LOCAL FRAUD CASE THROWN OUT TO ENABLE THE CITIZENSHIP
APPLICATION TO MOVE FORWARD OR TO AVOID HEAVIER BOND,
SIMPLY GAMBLERED UNSUCCESSFULLY OR ERRED SERIOUSLY.

6. SCENARIO IV. THE ANNULING OF RECHNITZER'S
CITIZENSHIP IS OVERTURNED BY THE SUPREME ELECTORAL TRIBUNAL.
THE LOCAL CRIMINAL FRAUD CASE AGAINST VESCO PROCEEDS TO
THE APPELLATE STAGE. EXPULSION AND EXTRADITION AGAIN
APPARENTLY ARE BLOCKED UNTIL THIS CASE IS RESOLVED --
POSSIBLY SOME MONTH YET. BACK TO SQUARE ONE.

7. SCENARIO V. PRESIDENT DANIEL ODUBER, WHO CON-
SISTENTLY HAS CITED LEGAL IMPEDIMENTS AS THE ONLY THING
IN HIS WAY, NOW EXPELS VESCO PRIOR TO MAY 8. NOTHING
IS IMPOSSIBLE, BUT WERE THIS TO OCCUR, EMBASSY ALSO
WOULD NOT BE SURPRISED TO SEE VESCO DEPART BY UFO.
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